

NEW LEGISLATION FOR 2011

STEVE LYNN | ASSOCIATE GENERAL COUNSEL

The 2011 Regular Session of the Kentucky General Assembly adjourned on March 22. The following bills of interest to law enforcement were passed during the session. Unless otherwise noted, all of the following bills will become effective on June 8.

Senate Bill 103 This bill amends KRS 61.886 to authorize the Tennessee Valley Authority and Breaks Interstate Park Commission to apply for commissions of peace officers from the governor. The bill further grants the authority to carry weapons and the power of sheriffs in making arrests of offenses committed upon, about, or against TVA or Commission property.

House Bill 34 This bill permits a coroner or deputy coroner to equip a private or public vehicle with red and blue lights and a siren, with the permission of the legislative body of the county. The bill restricts the use of the lights and siren to responding only to the scene of an emergency involving the reported death of a human being.

House Bill 41 With the approval of the legislative body of the county, this bill authorizes publicly-owned jail vehicles to be equipped with blue lights. It further authorizes the elected jailer to equip one personally-owned vehicle with blue lights. The bill prohibits use of sirens.

House Bill 121 This bill creates new provisions and amends others in KRS Chapter 218A to prohibit and criminalize the trafficking, possession, and manufacturing of naphthylprovalerone, 3,4-methylenedioxypyrovalerone, 3,4-methylenedioxymethylcathinone, or 4-methylmethcathinone, more commonly known as

“dove” or “bath salts.” This bill was passed as an emergency and went into effect upon Gov. Steve Beshear’s signature on March 16.

House Bill 272 KRS 15.400 was amended in 2007 to permit peace officers with “grandfathered” certification to transfer to other employment and retain that certification if the transfer was made within 60 days. In 2008, Kentucky retirement system statutes were amended to require that a retiree be retired at least 90 days before returning to employment with an agency that participated in a Kentucky Retirement System. House Bill 272 amends KRS 15.400 to extend the time that a grandfathered peace officer could return to duty to 100 days. It further includes a retroactive clause for those peace officers who retired on or after July 1, 2008.

House Bill 301 This bill exempts a license or certification holder in Kentucky from the payment of dues or from having to obtain continuing education credits while serving on active duty with the U.S. Armed Forces. KRS 15.440 already exempted certified peace officers from annual in-service training while serving on active duty, but House Bill 301 will be applicable to law enforcement officers as well.

House Bill 308 This bill creates a new section of KRS Chapter 17 to permit citizens to request a name-based background check or fingerprint-supported background check on their own behalf. The name-based background check is a statewide search based upon name, date of birth and social security number. Neither the name-based check nor the fingerprint-supported background check includes a national check by the FBI.

House Bill 313 This bill amends KRS 527.020 to authorize the director of the Division of Law Enforcement and conservation officers of the Department of Fish and Wildlife to carry concealed deadly weapons at all times within Kentucky when authorized by law or the government employing the officer. It further amends that statute to authorize the carrying of a firearm or other deadly weapon in any enclosed container or storage space installed as original equipment by a motor vehicle manufacturer, including glove compartments, center consoles, and glove pockets.

House Bill 333 This bill defines the terms fireworks, consumer fireworks and display fireworks. It further establishes storage requirements of fireworks at retail, storage and manufacturing facilities and the requirements for one to be a “competent display operator,” as well as legalizing the purchase of certain fireworks defined as consumer fireworks.

House Bill 463 This bill, called “The Public Safety and Offender Accountability Act,” makes many changes to the statutes relating to the classifications and penalties for drug offenses, pre-trial release, drug treatment programs, and probation and parole. Most significantly for law enforcement were amendments made to the statutes regarding when an officer should issue a citation for an offense, as opposed to making a physical arrest. DOCJT staff have requested an opinion from the Office of the Attorney General about certain parts of the bill and will provide an update to agencies as soon as that opinion is received. For more information on HB 463, see article on page 22. 📖

